

September 7, 2004

September Seventh

20-----04

The regular September Meeting of Council was held on the above date at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, P. A. "Pete" Castiglione, Jr., E. Stokes Daniels, Jr., Mayor John C. Hamlin, T. David Luther, Albert K. "Buddy" Rawley, Jr., Sherman M. Saunders, H. Phillip Smith, and Vice-Mayor R. Wayne Williams, Jr. (9).

Staff Members present were: City Manager Jerry L. Gwaltney, Deputy City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities Joseph C. King, Assistant City Manager for Government Affairs Todd M. Yeatts, Director of Finance Aubrey D. Dodson, City Attorney W. Clarke Whitfield, Jr., and Clerk of the Council Annette Y. Crane, CMC.

Other Staff members present were Transportation Services Director Marc Adelman and Planning Director Kenny Gillie.

Mayor Hamlin presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Sherman Saunders offered the Invocation. The Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Mayor Hamlin recognized *Register and Bee* Reporter Darren Sweeney. Mr. Sweeney will be relocating to Lynchburg to join the staff of *The Lynchburg News and Advance*. Mayor Hamlin said he would be missed and extended his best wishes to Mr. Sweeney.

Mr. Sweeney introduced Johnell Davis, who will be covering Council Meetings for the *Register and Bee*. Mayor Hamlin welcomed Ms. Davis to the City and said he looked forward to working with her. Ms. Davis comes to the City from Durham, North Carolina.

Mayor Hamlin called for an update on the weather from Deputy City Manager Lacy. Mr. Lacy said the National Weather Service in Blacksburg had issued a flood watch, effective until 5 a.m. Thursday morning. The remnants of Hurricane Frances will progress slowly northeast along the Appalachian Mountains beginning late today through early Thursday. Mr. Lacy said the weather service has called for 1" to 3" rainfall for Danville, which may cause flash flooding on low-lying roads and streets. Since rainfall west of Danville is expected to be much higher, the Dan River is expected to go above flood stage during this time. The river may reach twenty-two (22) feet, according to the weather service.

September 7, 2004

Flood stage in Danville is seventeen (17) feet. Mr. Lacy said there would be updates as weather conditions change and would be communicated through the local media.

City Manager Gwaltney noted a correction to the Agenda. Mr. Gwaltney advised that Item No. VIII C2 on the Agenda was for First Reading with final adoption during the September 21, 2004 Council Meeting.

COMMUNICATIONS FROM VISITORS

Theresa J. Carter, a resident of Cunningham Street, appeared to request assistance from City Council. Ms. Carter, President of the White Rock Neighborhood Empowerment Group, advised Council that the group had been active since 1980 and needed funds to make positive changes in the White Rock Community. Ms. Carter said she was aware of funds for such an endeavor and stated she wanted her community to be a positive area for change.

Mayor Hamlin and Council Member Castiglione expressed appreciation to Ms. Carter for the Group's efforts in a push for revitalization of White Rock.

Mayor Hamlin requested that City Manager Gwaltney contact Community Development Director Jerry Fischer to see if CDBG funds might be available.

MINUTES

Upon Motion by Council Member Daniels and second by Council Member Daniels, Minutes of the August 17, 2004 Regular Meeting, a Joint Work Session with the Utility Commission held on August 17, 2004, and the Regular Work Session held on August 17, 2004, were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

HEARING - BUDGET AMENDMENTS – FISCAL YEAR 2004-2005

Mayor Hamlin announced the following budget amendments had been previously discussed by Council and introduced for First Reading on August 17, 2004. The items would be further considered during the Public Hearing. He said after the Hearing is closed, there would be no separate discussion on the items and would be enacted in one motion. If a citizen or Council Member desires discussion, the item would be removed the Consent Process and considered separately.

Mayor Hamlin opened the floor for a Public Hearing to consider amendments to the Fiscal Year 2004-2005 Budget Appropriation Ordinance. Notice of the Public Hearing had been duly published in the Danville Register and Bee on Tuesday, August 31, 2004. No one present desired to be heard and the Public Hearing was closed.

BUDGET ADOPTION-FY 2004-2005-COMMUNITY DEVELOPMENT-UDAG

September 7, 2004

Upon Motion by Council Member Smith and second by Council Member Rawley, Ordinance No. 2004-08.08 presented by its First Reading on August 17, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance for projects to be undertaken within the City to be financed through the Community Development Fund Balance of UDAG funds was adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

BUDGET ADOPTION – FY 2004-2005-COMMISSION OF ARTS GRANT

Upon Motion by Council Member Smith and second by Council Member Rawley, Ordinance No. 2004-08.09 presented by its First Reading on August 17, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance to provide for a Virginia Commission for the Arts Grant in the amount of \$5,000, and to provide for the local share in the amount of \$5,000 for a total grant of \$10,000 was adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

BUDGET ADOPTION – FY 2004-2005 – COLUMBIA FLOORING INCENTIVE

Upon Motion by Council Member Smith and second by Council Member Rawley, Ordinance No. 2004-08.10 presented by its First Reading on August 17, 2004 amending the Fiscal Year 2004-2005 Budget Appropriation Ordinance by increasing revenues from the General Fund for a City Technology Enhancement Grant for the Columbia Flooring Expansion Incentive Package for a total appropriation in the amount of \$300,000 and appropriating the same was adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

HEARING – REZONE PROPERTY AT SOUTH MAIN AND PAXTON STREETS

Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone property located at the intersection of South Main Street and West Paxton Street and 1283 Paxton Street. Notice of the Public Hearing had been duly published in the

September 7, 2004

Danville Register and Bee on August 24 and 31, 2004. No one present desired to be heard and the Public Hearing was closed.

Vice-Mayor Williams moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-09.01

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN AND REZONING THE OT-R OLD TOWN RESIDENTIAL TO N-C NEIGHBORHOOD COMMERCIAL DISTRICT, A VACANT PORTION OF LOT 10 AT THE INTERSECTION OF SOUTH MAIN STREET AND WEST PAXTON STREET AND 1283 PAXTON STREET.

The Motion was seconded by Council Member Castiglione and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders, Smith, and Williams (9).
NAY: None (0).

HEARING – REZONE PROPERTY AT 113-115 HUGHES STREET

Mayor Hamlin opened the floor for a Public Hearing to consider a request to rezone property located at 113-115 Hughes Street. Notice of the Public Hearing had been duly published in the Danville Register and Bee on August 24 and 31, 2004.

Property owner Willie Pounds said he had been operating B & W Floral Designs on the property since 1998. Mr. Pounds said he was unaware that his property had been zoned as OT-R Old Town Residential. He requested that his property be rezoned as a HR-C Highway Retail Commercial District.

No one further desired to be heard and the Public Hearing was closed.

Council Member Archie moved the adoption of an Ordinance entitled:

ORDINANCE NO. 2004-09.02

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT, 113-115 HUGHES STREET.

Council Member Rawley seconded the Motion.

September 7, 2004

Council Member Smith said he had a problem with a HR-C District that far in to a residential area. He said once Council started going into the second row lots, there might be no end to it.

Planning Director Ken Gillie said the adjacent parking lot, which serves the floral shop, is already zoned HR-C. That fact precludes any future consolidation of adjacent properties. Mr. Gillie said his staff and the Planning Commission felt comfortable with this arrangement.

Council Member Luther and Council Member Rawley expressed some of the same concerns as Mr. Smith, but Mr. Rawley said the business had been in operation since 1998 and he would not oppose the rezoning.

Council Member Saunders said forty-six (46) notices had been sent to surrounding property owners and of the sixteen (16) who responded, only four (4) expressed opposition. Mr. Saunders said he had no problem with the rezoning.

The Ordinance was adopted by the following vote:

VOTE: 8-1

AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
and Williams (8).

NAY: Smith (1).

HEARING – AUTHORIZE LOAN GUARANTY-ELECTRIC TRANSMISSION

Mayor Hamlin opened the floor for a Public Hearing to consider the authorization of a Loan Guaranty for electric transmission payments. Notice of the Public Hearing had been duly published in the Danville Register and Bee on August 24 and 31, 2004. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Smith and second by Council Member Archie, an Ordinance entitled:

ORDINANCE NO. 2004-09.03

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF DANVILLE, OF A GUARANTY AGREEMENT IN A MAXIMUM AMOUNT OF \$946,000, FOR THE ACCOUNT OF BLUE RIDGE POWER AGENCY, INC.

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT – FY 2004-2005-BUS SERVICE-GRANT

September 7, 2004

Upon Motion by Council Member Castiglione and second by Council Member Rawley, an Ordinance entitled:

ORDINANCE NO. 2004-09.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES TO PROVIDE FOR A DEMONSTRATION GRANT FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION IN THE AMOUNT OF \$63,650, PASSENGER FARES IN THE AMOUNT OF \$3,350, FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$76,000, FOR EXPERIMENTAL BUS SERVICE TO THE INSTITUTE FOR ADVANCED LEARNING AND RESEARCH, INGRAM HEIGHTS, AND DAN HEIGHTS AND APPROPRIATING THE SAME

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

DEMONSTRATION GRANT 2004-05-RAIL & PUBLIC TRANSPORTATION

Council Member Archie moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-09.01

A RESOLUTION AUTHORIZING AN APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR A DEMONSTRATION GRANT FOR FISCAL YEAR 2004-2005.

The Motion was seconded by Council Member Daniels and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

BUDGET AMENDMENT-FY 2004-2005-INSTALL TRAFFIC SIGNAL

Upon Motion by Council Member Archie and second by Council Member Castiglione, an Ordinance entitled:

ORDINANCE NO. 2004-09.05

AN ORDINANCE AMENDING THE 2004-2005 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A CONTRIBUTION IN THE AMOUNT OF \$75,000 AND A TRANSFER OF \$75,000 FROM GENERAL STREET

September 7, 2004

**IMPROVEMENTS FOR INSTALLING A TRAFFIC SIGNAL ON PIEDMONT DRIVE
AT A NEW ENTRANCE TO A COMMERCIAL DEVELOPMENT ACROSS FROM
PARK AVENUE FOR A TOTAL APPROPRIATION OF \$150,000**

was presented by its First Reading, as required by City Charter, to lie over before final adoption.

Council Member Smith expressed concern about the width to the entrance to the commercial property in question. We wondered if Council had any say in how wide the entrance should be. City Manager Gwaltney agreed to investigate and report back to Council with his findings.

Council Member Daniels asked Mr. Gwaltney to investigate if a stoplight is necessary. Mr. Gwaltney agreed to do so.

CANCEL OCTOBER 5, 2004 COUNCIL MEETING

Mayor Hamlin advised that the annual Virginia Municipal League Conference would be in session on the regular Council Meeting date and since Council Members and some City staff would be attending, it was necessary to reschedule the regular meeting date and time.

Council Member Luther moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-09.02

**A RESOLUTION CANCELING THE REGULAR MEETING OF CITY COUNCIL
SCHEDULED FOR OCTOBER 5, 2005 AND SCHEDULING A SPECIAL MEETING
OF CITY COUNCIL ON OCTOBER 7, 2004.**

The Motion was seconded by Council Member Smith and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

APPOINT MICHAEL NEWMAN ATTORNEY FOR D-PCP&M BOARD

Council Member Daniels moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-09.03

**A RESOLUTION APPOINTING MICHAEL J. NEWMAN AS LEGAL COUNSEL
FOR THE DANVILLE-PITTSYLVANIA COMMUNITY POLICY AND**

September 7, 2004

MANAGEMENT BOARD, REPLACING CITY ATTORNEY W. CLARKE WHITFIELD, JR.

The Motion was seconded by Vice-Mayor Williams and adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

JOIN PROVISION OF LOCAL PROBATION AND COURT SERVICES

Council Member Smith moved the adoption of a Resolution entitled:

RESOLUTION NO. 2004-09.04

A RESOLUTION AUTHORIZING THE CITY OF DANVILLE TO JOIN PITTSYLVANIA AND HALIFAX COUNTIES IN THE PROVISION OF LOCAL PROBATION AND COURT SERVICES.

Council Member Daniels seconded the Motion.

Mayor Hamlin recognized Freda Holliday, Director of the Pittsylvania/Halifax Court Services Program. Ms. Holliday advised that local probation services to the courts in Halifax and Pittsylvania Counties had been provided since 1995. She said the primary intent of local probation programs was to ensure public safety and to provide a sentencing alternative to the Court. The services include monitoring performance of community service, providing drug testing, monitoring payment of restitution to victims and monitoring compliance with other conditions ordered by the Court.

Ms. Holliday further advised that since 1998, Judge of the Danville General District Court Lee Stilwell had noted his interest in having the service available to his court. However, state funding had not been available to assist with the program. In June 2004, the existing local programs had been advised of additional funds available for the purpose of increasing caseloads of local programs. Judge Stilwell had informed Court Services of his continued interest. Based on Judge Stilwell's support of expanding the program, a grant application was prepared and funding has been approved to hire one (1) individual to serve the Danville General District Court, effective October 1, 2004.

Ms. Holliday was seeking Council's authorization of the program's expansion to include Danville. She said it would be necessary for Council to appoint members to the program board.

Mayor Hamlin recognized and acknowledged Judge Stilwell's presence during the meeting and thanked him for his interest.

September 7, 2004

The Resolution was adopted by the following vote:

VOTE: 9-0
AYE: Archie, Castiglione, Daniels, Hamlin, Luther, Rawley, Saunders,
Smith, and Williams (9).
NAY: None (0).

COMMUNICATIONS

Deputy City Manager Lacy said he would meet with Committee on Appointments Chairperson Dr. Wayne Williams relating to appointments to the Court Services Program Board.

There were no communications from the City Manager, City Attorney, and City Clerk.

ROLL CALL

Council Member Archie expressed good wishes to *Register and Bee* Reporter Darren Sweeney.

Mrs. Archie advised that all City educator personnel assembled at GWHS on the morning of August 23 for a school pre-opening event. Mrs. Archie said her presentation to the group could be viewed on local Cable Channel 20 at 6:30 p.m. each evening this week.

Mrs. Archie called attention to an article in the *Virginia Town and City* magazine. The City of Danville has been awarded with the Virginia Municipal League's (VML) "President's Award." Comments in the article included "Danville has played an indispensable role in helping to begin the process of reinvigorating the economy of a region that has been devastated by the loss of manufacturing and tobacco jobs." The Institute for Advanced Learning and Research was featured on the front cover the monthly VML magazine.

Council Member Castiglione reported that he continues to receive accolades for City employees about the clean-up efforts following the tornado that hit Danville a few weeks ago.

Council Member Daniels expressed concern about the slow traffic on Piney Forest Road due to paving work presently being done. He wondered if the work could be done in the early evening when traffic was not as heavy so during the peak hours both lanes could remain open.

Deputy City Manager Lacy said the crews had been instructed to wait to begin work after the morning rush hour and finish before the evening rush hour. Also contracts had been moved to do nighttime work and an attempt will be made to do better during the lunch hour.

September 7, 2004

Mr. Daniels asked the City Attorney if the local governing body had any jurisdiction over the type of postal deliveries made on Piney Forest Road. Mr. Daniels said the traffic volume is so high on Piney Forest and the stopping and pulling out into traffic by post office vehicles interferes greatly with traffic flow. Mr. Daniels wondered if mail delivery could be made on foot.

City Attorney Clarke Whitfield agreed to research the issue and provide a report to Mr. Daniels of his findings.

Mayor Hamlin encouraged everyone to watch Council Member Archie's presentation on Cable Channel 20 every night this week at 6:30 p.m.

Mayor Hamlin called attention to photographs of before and after pictures of a business located at 534 Craghead Street. Through the City's facade loan program, the owner Mr. Jeffries, constructed a new facade and the difference is quite significant.

City Manager Gwaltney applauded the efforts of the City's Community Development Coordinator Anne Moore in getting the work done.

Mayor Hamlin announced that because of pending heavy rain and possible flooding, the Shrimp Fest, originally scheduled for Wednesday, September 8, has been moved to Thursday, September 9. The festivities are scheduled to begin at 4 p.m.

Council Member Luther asked that the ordinance relating to abandoned vehicles, which was tabled at the August 17, 2004 Council Meeting, be presented as soon as possible for consideration by Council Members. He also asked for a letter from Kent Shelton to VDOT officials relating to the Worsham Street Bridge. Mr. Luther said Council Members had received VDOT's response, but would like to have a copy of Mr. Shelton's letter. Mr. Gwaltney agreed to supply the information.

Council Member Rawley extended best wishes to *Register and Bee* reporter Darren Sweeney. Mr. Rawley also announced that Danville Community College Board of Trustee Member and fellow Dan River employee Mike Beasley was now working out-of-state and had submitted his resignation from the Board of Trustees.

Council Member Saunders extended good wishes to Darren Sweeney and welcomed his replacement, Johnell Davis, to the City.

Council Member Smith said he was glad to see the school system getting off to a good start. He said he was happy and pleased that the School Board would be listening to and seeking input from citizens. He extended best wishes to all school personnel for a successful and good year.

Mr. Smith said he had enjoyed reading "Letters to the Editor" concerning citizens' opinions about the Worsham Street Bridge. He said he had learned a lot from the public and felt it was a good thing for the City.

September 7, 2004

Vice-Mayor Williams said last Thursday he was present for the regular School Board meeting. Dr. Williams said three things stood out during the meeting. First of all, recognition of students who achieved perfect scores on the Standards of Learning Tests (SOLs). Dr. Williams advised that since 2002, the number of students achieving perfect scores had increased from 70 to over 200 this year. The Meeting was held at GWHS Auditorium and the room was filled with proud parents and grandparents. Secondly, Dr. Williams said he was impressed with the number of school principals present whose schools are to receive accreditation and could see the pride on the faces of the group. Lastly, Dr. Williams said the enthusiasm and excitement of the School Board members could be visibly seen. Dr. Williams expressed his pride at the accomplishments of the school system.

Dr. Williams said healthcare quality and access is being jeopardized in the U. S. He said some organizations feel the system is in a state of crisis. Dr. Williams advised that physicians in Southside Virginia would meet Thursday, September 9 at 6 p.m. at The Institute for Advanced Learning and Research. Dr. Williams reported that State Legislators and local leaders from the region have been invited to attend, as well as local health care providers. As host city for the event, Dr. Williams would like to see a good turnout from Council Members and any interested citizens who wish to attend the event.

Mayor Hamlin encouraged Dr. Williams to report on the SOL's of his son and daughter. Dr. Williams reported that his son, Richard, received a perfect SOL score this year. His daughter, Jessica, received a perfect score last year.

The Meeting adjourned at 7:55 P.M.

MAYOR

CLERK